

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY  
CORPORATION,

Defendant.

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C.A. No. 04-11362-RWZ

**JOINT MOTION TO ENLARGE TIME**

The Plaintiff Barry Linton and the Defendant New York Life Insurance and Annuity Corporation (“New York Life”) hereby jointly and respectfully move that the dispositive motions and related deadlines in this matter as set forth in the Court’s Scheduling Order dated April 28, 2005 be extended as set forth below:

- Parties to file dispositive motions: January 23, 2006;
- Oppositions three weeks thereafter: February 13, 2006; and
- Hearing: To be set at the Court’s convenience.

As good cause, the parties state as follows:

1. On August 30, 2005, the parties submitted a Joint Stipulation to Amend Scheduling Order to extend the deadline for discovery for dispositive motions from December 2, 2005 to December 16, 2005.

2. Deposition scheduling has taken longer than anticipated. The depositions of Barry Linton and Paul Redfearn occurred in October, 2005. The parties have scheduled the remaining depositions to be completed no later than December 5, 2005.

3. The parties further state that neither party will be prejudiced by the extension and that an extension will not adversely affect any court deadline.

WHEREFORE, the parties pray that the Court allow this motion and enlarge the time in which discovery must be completed as set forth above.

Respectfully submitted,

NEW YORK LIFE INSURANCE  
AND ANNUITY CORPORATION  
By its attorneys,

BARRY LINTON  
By his attorneys,

/s/ Levina Wong  
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Dated: November 17, 2005